

punishment by not imposing work and/or sports restrictions fails for the same reasons. Plaintiff's own submissions demonstrate that Dr. Skerl worked with and treated plaintiff for his foot condition and there are no factual grounds raised from which to infer that not imposing such restrictions reflected the wanton infliction of pain and suffering.

s/ Davud Stewart Cercone
David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
U.S. Magistrate Judge

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